

# Notice of Allowability

Application No.

09/712,438

Examiner

Jonathan G. Sterrett

Applicant(s)

FOELL ET AL.

Art Unit

3623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-11-2006.
2. ☒ The allowed claim(s) is/are 1-6, 13-18 and 25-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____  |

  
**TARIQ R. HAFIZ**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

***Reasons for Allowance***

1. The following is an examiner's statement of reasons for allowance:

None of the prior art of record, taken individually or in any combination, teach, inter alia,

calculating a number of working hours available for performance of the multiple projects;

estimating the time required for completion of each project;

based on said time estimates, allocating a first amount of time for performance of said mandatory projects, allocating a second amount of time for performance of said ad hoc projects; and allocating a third amount of time to be held in reserve, wherein the sum of the first, second, and third amounts of time is less than or equal to said available hours;

assigning tasks associated with the projects for performance;

periodically inputting an actual time spent in performing the projects and a current status of each project;

based on the actual time spent and current status for each project, re-estimating the time required for completing each project;

for each mandatory type project, determining if there exists a negative or positive time imbalance between the allocated time for completion and the re-estimated time for completion;

if there exists a negative time imbalance, reallocating time held in reserve to one or more mandatory type projects to eliminate the time imbalance;

if there exists a positive time in-balance, performing one -or more of the following operations to eliminate the positive time imbalance; re-identifying one or more nonmandatory projects as mandatory; reallocating time from one or more mandatory type projects to time held in reserve;

reallocating time from one or more mandatory type projects to one or more ad hoc projects: and reallocating time from one or more mandatory type projects to establish an earlier estimated completion date for one or more projects;

for each ad hoc type project, determining if there exists a negative or positive time imbalance between the allocated time for completion and the re-estimated time for completion:

if there exists a negative time imbalance, reallocating time held in reserve to one or more ad hoc projects to eliminate the time imbalance;

if there exists a positive time imbalance, performing one or more of the following operations to eliminate the positive time imbalance: reallocating time from one or more ad hoc projects to one time held in reserve:

reallocating time from one or more ad hoc projects to one or more mandatory type projects;

reallocating time from one or more ad hoc projects to one or more nonmandatory projects and re-identifying the one or more nonmandatory projects as mandatory: and

reallocating the time from one or more ad hoc projects to establish an earlier

estimated completion date for one or more projects, as recited in independent **Claims 1, 13 and 25**.

The novelty of the invention is in the combination of the limitations cited in independent **Claims 1, 13 and 25** and not in any specific individual claim limitation.

The prior art reference most closely resembling the applicants claimed invention is McGrath. While McGrath discloses:

- calculating a number of working hours available for performance of the multiple projects;

- estimating the time required for completion of each project;

- based on said time estimates, allocating a first amount of time for performance of said mandatory projects, allocating a second amount of time for performance of said ad hoc projects; and allocating a third amount of time to be held in reserve, wherein the sum of the first, second, and third amounts of time is less than or equal to said available hours;

- assigning tasks associated with the projects for performance;

- periodically inputting an actual time spent in performing the projects and a current status of each project;

- based on the actual time spent and current status for each project, re-estimating the time required for completing each project;

it lacks:

for each mandatory type project, determining if there exists a negative or positive time imbalance between the allocated time for completion and the re-estimated time for completion;

if there exists a negative time imbalance, reallocating time held in reserve to one or more mandatory type projects to eliminate the time imbalance;

if there exists a positive time in-balance, performing one -or more of the following operations to eliminate the positive time imbalance; re-identifying one or more nonmandatory projects as mandatory; reallocating time from one or more mandatory type projects to time held in reserve;

reallocating time from one or more mandatory type projects to one or more ad hoc projects; and reallocating time from one or more mandatory type projects to establish an earlier estimated completion date for one or more projects;

for each ad hoc type project, determining if there exists a negative or positive time imbalance between the allocated time for completion and the re-estimated time for completion:

if there exists a negative time imbalance, reallocating time held in reserve to one or more ad hoc projects to eliminate the time imbalance;

if there exists a positive time imbalance, performing one or more of the following operations to eliminate the positive time imbalance: reallocating time from one or more ad hoc projects to one time held in reserve:

reallocating time from one or more ad hoc projects to one or more mandatory

type projects;

reallocating time from one or more ad hoc projects to one or more nonmandatory projects and re-identifying the one or more nonmandatory projects as mandatory; and

reallocating the time from one or more ad hoc projects to establish an earlier estimated completion date for one or more projects.

as recited in **Claims 1, 13 and 25**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGS 6-20-2006



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600